

**MINUTES OF THE CITY COUNCIL
OF THE CITY OF FONTANA
REGULAR MEETING
SEPTEMBER 26, 2006**

A Regular Meeting of the City of Fontana City Council was held on Tuesday, September 26, 2006 in the City of Fontana Council Chambers, 8353 Sierra Avenue, Fontana, CA. Mayor Nuaimi called the meeting to order at 7:07 p.m.

ROLL CALL: Present: Mayor Nuaimi, Council Member Roberts, ROLL CALL
Rutherford, Scialdone and Warren.

Absent: None.

The Invocation was given by Council Member Roberts, followed by the Pledge of Allegiance lead by Mayor Nuaimi.

The City Attorney announced they met in Closed Session to discuss: C S

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9(a)
NAME OF PARTIES: San Gabriel Valley Water Company,
Application No's A02-11-044 and A-05-08-021.

First item was not discussed.

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT
TO GOVERNMENT CODE SECTION 54956.9
Property: APN 0191-211-25 (KYDDL & RDLFGFT #1 LLC Ownership)
(Ceres Avenue sidewalk project)
Property on Catawba Avenue)
Negotiating Parties: Debbie Brazill, Deputy City Manager
Redevelopment
Under Negotiation: Price and Terms

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO
GOVERNMENT CODE SECTION 54956.9
Property: APN 0230-041-84, 15281 Foothill Boulevard – Billboard
(Clear Channel Outdoor Owner)
Negotiating Parties: Debbie Brazill, Deputy City Manager
Under Negotiation: Price and Terms

There was no reportable action on second or third closed session item.

The following Special Presentations were made: S P

Mayor and Council recognized “A Tribute to the Theater”, Costume and Theatrical Display”, accepted by the Fontana Mummies Theater

representatives Jenna Lear and B. J. Williams.

Mayor and Council recognized sponsors of the Fontana Days Run, presented by Community Services Manager Ray Gonzales, and Community Services Coordinator Rob Bock.

- | | | |
|--------------------------|------------------------|-----------------------|
| Ralph’s Silk Screen | Triangle Dental | Arrowhead Water |
| Cucamonga Water District | Arrowhead Credit Union | So. Cal. Auto Auction |
| Centex Homes | Allard Engineering | Auto Depot |
| Best, Best & Krieger | Kiwanis International | Rock Honda |
| California Steel Ind. | Kaiser Permanente | Sizzler’s Restaurant |
| Burrtec Waste, Inc. | Madole & Associates | Young Homes |
| Bel Air Swapmeet, Inc. | K B Home | |

Mayor and Council accepted a watercolor painting by Millford Zornes, from Robert and Connie Constant to be publicly displayed in the new Library and Resource Technology Center, presented to Ray Bragg, Redevelopment & Special Projects Director.

The following Public Communication was received:

P C

Jon Nielsen, 7222 Sierra Avenue, #112, asked for application information to provide cab service for seniors only. He was directed to the proper staff.

SENIOR CAB

Pam Foreman, 33516 Lansford Street, Yucaipa, asked for help to open an indoor go-cart business in Fontana.

GO-CART

Bruce Nave, 15292 Coyote Canyon Road, thanked Mayor, Council and staff for helping to meet satisfactory resolution with the developer.

THANKS

Tony Orlich, spoke on the election process.

ELECTION

Staff presentations were given on Consent Calendar Items “E & F”.

C C

Consent Calendar Item “G” was pulled for separate action.

Tony Orlich spoke in opposition to Consent Calendar Item “E”, and asked questions regarding Consent Calendar Item “F”.

ACTON: Motion was made by Council Member Warren, seconded by Council Member Roberts, approving Consent Calendar Items “A-F” as follows:

- A. Approving the minutes of September 12, 2006 Regular Meeting. **as corrected.** (special presentation was presented by Capt. Terry Holderness – not Chief Larry Clark; and elected officials communication regarding Council Member Rutherford speaking

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at A. B. Miller High School regarding 9-11, not Katrina project.)

- B. (1) Adopting **Ordinance No. 1526**, authorizing the levy of a special tax within Community Facilities District No. 56M. ADPT ORD 1526
CFD 56M
- (2) Adopting **Ordinance No. 1527**, authorizing the levy of a special tax within Community Facilities District No. 55M. ADPT ORD 1527
CFD 55M
- C. Accepting final map for Tract No. 17317, located east of Citrus Avenue and south of Walnut Avenue; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. ACCPT TR 17317
- D. Accepting final map for Tract No. 17596, located south of Slover Avenue and east of Juniper Avenue; accepting as public all dedicated streets and easements; and authorizing the City Manager to enter into a subdivision agreement with the subdivider. ACCPT TR 17596
- E. (1) Adopting **Resolution No. 2006-218**, calling a public hearing to determine whether public necessity, health, safety, or welfare requires the formation of an underground Utility District No. 6 on South Highland Avenue between Juniper Avenue and Sierra Avenue. ADPT RES 06-218;
219; 220; 221;222
UNDERGROUND
UTILITY
- (2) Adopting **Resolution No. 2006-219**, calling a public hearing to determine whether public necessity, health, safety, or welfare requires the formation of an underground Utility District No. 7 on Sierra Avenue between Walnut Avenue and Baseline Avenue.
- (3) Adopting **Resolution No. 2006-220** calling a public hearing to determine whether public necessity, health, safety, or welfare requires the formation of an underground Utility District No. 8 on Walnut Avenue between Juniper Avenue and Sierra Avenue.
- (4) Adopting **Resolution No. 2006-221**, calling a public hearing to determine whether public necessity, health, safety, or welfare requires the formation of an underground Utility District No. 9 on Juniper Avenue between Baseline Avenue and South Highland Avenue
- (5) Adopting **Resolution No. 2006-222**, calling a public hearing to determine whether public necessity, health, safety, or welfare requires the formation of an underground Utility

District No. 10 on Baseline Avenue between Juniper Avenue and Sierra Avenue.

- (6) Finding that the project is exempt from further environmental review pursuant to Section 3.16 of the Local Guidelines for implementing the California Environmental Quality Act (2006) with no possibility of significant effects upon the environment, and directing staff to file a Notice of Exemption.

- F. (1) Approving a lease agreement with Metro PCS to install a wireless communications structure, as a mono-palm, on the grounds of Tamarind Park.

APRV LEASE
METRO PCS

- (2) Authorizing the City Manager to execute the necessary documents.

Motion carried unanimously.

- G. Approving the name Paul Biane Community and Athletic Arena for the sports arena/roller hockey pavilion at Jack Bulik Park.

CC-G NAMING
PAUL BIANE
PAVILION

Mayor Nuaimi suggesting choosing the name "Paul Biane Pavilion" instead of Paul Biane Community and Athletic Arena.

ACTION: Motion was made by Mayor Nuaimi, seconded by Council Member Rutherford approving the name Paul Biane Pavilion for the sports arena/roller hockey pavilion at Jack Bulik Park. Motion carried unanimously.

Public hearing was opened regarding Quarterly Lien Action Report for Delinquent Sewer, Rubbish and Weed Abatement Accounts. No written communication was received. Staff presentation was given by Business Services Manager Jeff McPherson. No one spoke in favor or opposition. The hearing was closed.

PH-A ADPT RES
06-223 LIENS

ACTION: Motion was made by Council Member Roberts, seconded by Council Member Scialdone, (1) adopting **Resolution No. 2006-223**, adopting the statement of unpaid expenses for weed abatement and imposing a lien against real property for payment thereof; (2) authorizing staff to complete and record lien notices against real property for those sewer accounts sixty days or more delinquent as described in the certified lien list, and directing staff to forward recorded liens to the County for collection; and (3) authorizing staff to complete and record liens against real property for those rubbish accounts more than ninety days delinquent as described in the certified lien list, and directing staff to forward recorded liens to the County for Collection. Motion carried unanimously.

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Public hearing was opened regarding General Plan Amendment No. 06-01, Zone Change No. 06-01 and Tentative Tract Map 17342. No written communication was received. Staff presentation was given by Planner DiTanyon Johnson. No one spoke in favor or opposition. The hearing was closed.

PH-B INTRO ORD
1528 GPA 06-01
ZC 06-01,
TTM 17342

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Warren, adopting a Mitigated Negative Declaration of Environmental Impact and the State of California Department of Fish and Game DeMinimis Impact Finding pursuant to the Local Guidelines for implementing the California Environmental Quality Act (2006) and directing staff to file Notice of Determination for General Plan Amendment No. 06-01 and Zone Change No. 06-01; (2) reviewing a resolution to approve General Plan Amendment No. 06-01, to change the General Plan designation on approximately three acres from Community Commercial to Residential Planned Community (R-PC) to Community Commercial (C-C); (3) waiving further reading of and introducing **Ordinance No. 1528**, approving Zone Change No. 06-01, to modify the zoning on the Zoning District Map and changing the zoning designation on approximately three acres from Community commercial (C-1) to (R-PC) to community Commercial (C-1), and that the reading of the title constitutes the first reading thereof; and (4) approving Tentative Tract Map No. 17342, subject to the attached findings and Conditions of Approval. Motion carried unanimously.

Public Hearing was opened regarding General Plan Amendment No. 06-07, Tentative Tract Map 17734, and Design Review No. 06-01. No written communication was received. Staff presentation was given by Planner DiTanyon Johnson. No one spoke in favor or opposition. The hearing was closed.

PH-C GPA 06-07
TTM 17734
DR 06-01

ACTION: Motion was made by Council Member Scialdone, seconded by Council Member Roberts, adopting a Negative Declaration of Environmental Impact and the State of California De Minimis Impact Finding pursuant to the Local Guidelines for implementing the California Environmental Quality Act (2006) and directing staff to file a Notice of Determination for General Plan Amendment No. 06-07; (2) reviewing a resolution to approve General Plan Amendment No. 06-07, to change approximately 4.7 acres of land designated Community Commercial (C-C) to Light Industrial (L-I); and (3) approving Variance No. 06-01, Tentative Tract Map No. 17734 and Design Review No. 06-01, subject to the attached findings and Conditions of Approval. Motion carried unanimously.

Council Member Rutherford left the meeting at 8:12 p.m., returning at 8:16 p.m.

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Public Hearing was opened regarding General Plan Amendment No. 06-01 and No. 06-07.
No written communication was received.
Staff presentation was given by Planner DiTanyon Johnson.
No one spoke in favor or opposition. The hearing was closed.

PH-D ADPT RES
06-224 GPA 06-01
06-07

ACTION: Motion was made by Council Member Warren, seconded by Council Member Scialdone, (1) adopting **Resolution No. 2006-224**, approving General Plan Amendment No. 06-01, (APN 0239-141-29, -30) changing approximately three acres from Community Commercial to Residential Planned Community (R-PC) and approximately 2.5 acres from Residential Planned Community (R-PC) to Community Commercial (C-C) and approving General Plan Amendment No. 06-07 (APN 1110-151-20) changing approximately 4.7 acres of land designated Community Commercial (C-C) to Light Industrial (L-I). Motion carried unanimously.

Council Member Warren left the meeting at 8:18 p.m., returning at 8:21 p.m.

Public hearing was opened regarding No. 1 to the Coyote Canyon Specific Plan Development Agreement.
No written communication was received.
Staff presentation was given by Planner DiTanyon Johnson.
No one spoke in favor or opposition. The hearing was closed.

PH-E INTRO ORD
1529 COYOTE
CYN SPEC PLAN
DEV AGREE

ACTION: Motion was made by Council Member Rutherford, seconded by Council Member Roberts, finding that the project does not require further environmental review due to a previously certified final EIR, (SCH No. 20000-091085) prepared for General Plan Amendment No. 00-007, Specific Plan Amendment No. 00-02, Zone Change No. 00-006, and Annexation No. 00-002; and (2) waiving further reading of and introducing **Ordinance No. 1529**, approving Amendment No. 1 to the Coyote Canyon Specific Plan Development Agreement between the City of Fontana, and Centex Homes, and that the reading of the title constitutes the first reading thereof. Motion carried unanimously.

The following Elected Official Communications were received:

E O C

Council Member Rutherford attended the Great Valley Leaders Institute near Yosemite last weekend, and stated she had a great time.

INSTITUTE

Council Member Roberts commended staff for the new “no dumping” signs that have been posted.

THANKS

Council Member Roberts stated he received a telephone call from a resident regarding homing pigeons, noting this is not addressed in the City Code. Staff is reviewing a revision to the Code to address this issue.

PIGEONS

Council Member Roberts suggested an “adopt-a-highway” for the Foothill median. City Manager Ken Hunt responded.	ADOPT A HWY
Council Member Warren noted a CALTRANS meeting recently regarding the I-10 freeway.	CALTRANS
Council Member Warren suggested making sure the Children’s Library is named for Martin Luther King, Jr. by adopting a resolution to ensure this occurs.	NAME LIBRARY
Council Member Scialdone noted the Annual Children’s Fair will be Saturday at the Police Department.	CHILDRENS FAIR
Council Member Scialdone stated 9 new police officers were sworn in Monday, and a great job was done getting high level personnel.	NEW OFFICERS
Council Member Scialdone and Mayor Nuaimi attended the Brokerage breakfast last Thursday. Mayor Nuaimi noted the great change for the better and the enthusiasm now from former years among brokers.	BROKERAGE
Council Member Scialdone noted Sycamore Hills Park opened yesterday.	PARK OPENING
Council Member Scialdone asked if the ordinance regarding term limits for Parks & Recreation and Planning Commissioners could be reviewed. This will be researched and on a future agenda.	TERM LIMITS
Mayor Nuaimi noted an interview with KPRC featuring Fontana and the progress we have made.	INTERVIEW
Mayor Nuaimi showed letters from students at North Tamarind Elementary School with suggestions to make North Tamarind Park better.	N.TAM PARK
Mayor Nuaimi noted the United Way Teacher Assistance Program donations to schools, CAP, etc.	UNITED WAY
The City Council meeting adjourned by consensus, at 8:47 p.m. to a workshop meeting on October 10, 2006 in the Executive Conference Room at 5:00 p.m., to a Closed Session at 6:00 p.m. and then to the regular meeting at 7:00 p.m. in the City Hall Council Chambers, 8353 Sierra Avenue, Fontana, CA.	ADJOURN

Orvene Steenbock

City Clerk Assistant

THE FOREGOING MINUTES WERE APPROVED BY THE CITY COUNCIL ON THE 10th DAY OF OCTOBER, 2006.

Beatrice Watson
City Clerk